

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY HURSH,

Defendant.

CASE NO. 2:22-cr-00180-LK

ORDER GRANTING MOTION TO
SEAL

This matter comes before the Court on the Government’s unopposed motion to seal Exhibit A to its sentencing memorandum. Dkt. No. 401. The Government states that Exhibit A (Linesheets) contains “the contents of judicially authorized interception of wire and oral communications,” including communications from individuals who have not been charged in this matter, and 18 U.S.C. § 2517 “requires that these wiretap interceptions be sealed and remain so except under narrowly defined circumstances, including while giving testimony under oath.” *Id.* at 1–2; *see also* Dkt. No. 402 (sealed Exhibit A).

“Historically, courts have recognized a ‘general right to inspect and copy public records and documents, including judicial records and documents.’” *Kamakana v. City & Cnty. of*

1 *Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435
2 U.S. 589, 597 & n.7 (1978)). However, Section 2517 limits when information collected from
3 wiretapping may be disclosed. Courts in the Ninth Circuit have interpreted the statutory provisions
4 as “prohibiting the public disclosure of [wiretapping] material until after it has been admitted into
5 evidence in a criminal trial or at a suppression hearing.” *United States v. Rand*, No. 3:16-cr-00029-
6 MMD-WGC, 2016 WL 6208265, at *3 (D. Nev. Oct. 24, 2016); *see also United States v. Kwok*
7 *Cheung Chow*, No. 14-cr-00196-CRB (JCS), 2015 WL 5094744, at *3 (N.D. Cal. Aug. 28, 2015)
8 (“Courts have generally held that in light of Title III’s purpose of safeguarding privacy, the
9 statute’s list of permissible disclosures is exclusive—in other words, ‘what is not permitted [under
10 § 2517] is forbidden.’” (quoting *United States v. Dorfman*, 690 F.2d 1230, 1234 (7th Cir. 1982))).

11 The Court has reviewed the document at issue, which comprises the contents of judicially-
12 authorized interceptions of wire and oral communications, including communications with
13 individuals who have not been charged in this matter. Dkt. No. 402. Redaction is not a feasible
14 alternative to sealing. The Court finds that the document may remain under seal pursuant to 18
15 U.S.C. § 2517. *See Kwok Cheung Chow*, 2015 WL 5094744, at *7.

16 The Court therefore GRANTS the motion to seal. Dkt. No. 401. Exhibit A may remain
17 under seal. Dkt. No. 402.

18 Dated this 29th day of January, 2025.

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20 Lauren King
21 United States District Judge
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